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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/924,111
Filing Date: August 07, 2001
Appellant(s): GAUL ET AL.

Karen G. Hazzah
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/05/2008 appealing from the Office action mailed 08/07/2008.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|--------------|---------|--------|
| 2007/0186240 | Ward | 8-2007 |
| 6,442,755 | Lemmons | 8-2002 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6, 10-14, 17-23, 26, 30-36, 39, 43-48, 51 and 55-74 are rejected under 35

U.S.C. 102(e) as being anticipated by Ward et al (US 2007/0186240).

Regarding Claims 1, 17, 30 and 43, Ward discloses a system and corresponding method for providing interactive media services comprising:

memory (Para 111) for storing IPG (FIG.1) configuration data (software instructions) that is used to determine an IPG channel listing characteristic (look of the EPG/IPG information displayed; Para 28) where the channel listing characteristic comprises a predetermined number of channels presented concurrently (Para 214); and

logic configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG screen characteristic, wherein the IPG channel listing characteristic is represented by an object indicia presented to a user (FIG.1, element 20) and an action for reconfiguring the IPG channel listing characteristic is represented by a tool indicia presented to the user (FIG.1, element 18) such that a first user input of selecting the object indicia and the tool indicia modifies the IPG channel listing characteristic (FIG.6; user first select Schedule button; and user can Remove or Change the schedule program list from action button).

Regarding Claim 2, Ward further discloses the memory is non-volatile memory (Para 42 lines 1-5).

Regarding Claims 3, 19-21,32-34, 45, and 46, Ward further discloses an IPG screen that is configured in accordance with the first user input (FIG.1; menu/option input) is presented to a

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user in response to receiving a second user input (Para 31; command to display the EPG while normally watching TV, i.e., video only).

Regarding Claims 6, 26, 39 and 51, Ward discloses a system and corresponding method for providing interactive media services comprising:

memory (inherent) for storing IPG (FIG.1) configuration data (software instructions) that is used to determine an IPG time listing characteristic (look of the EPG/IPG time information displayed) where the time listing characteristic is at least **one** of the following:

a predetermined number of time listings presented concurrently and

a predetermined coverage of a time listing (Para 127; Para 190; one day coverage of a time listing); and

logic configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG screen characteristic (FIG.1, user selects Schedule button), wherein the IPG time listing characteristic is represented by an object indicia presented to the user (FIG.1; Schedule button) and an action for reconfiguring the IPG time listing characteristic is represented by a tool indicia presented to the user (FIG.6; Remove or Change Button) such that a first user input of selecting the object indicia and the tool indicia modifies the IPG time listing characteristic (user can change the schedule for the selected programs).

Regarding Claims 10-11, 22-23, 35-36, and 47-48, Ward further discloses an IPG screen that is configured in accordance with the first user input is presented to a user via a TV device (Para 28).

Regarding Claims 12, 18, 31, and 44, Ward further discloses the first user input is provided via a remote control device (FIG.2; Para 29).

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Regarding Claim 13, Ward further discloses the system is a client device (client to the B-caster and Internet servers; Para 249; Para 109).

Regarding Claim 14, Ward further discloses the client device is a digital home communication terminal (DHCT) (Para 113; television system to access internet is DHCT).

Regarding Claims 55, 58, 61, 64, 67, 71 and 73, Ward further discloses the object and tool indicia are represented as a symbol to the user (FIG.6, the schedule button and Remove button are symbols).

Regarding Claims 56, 59, 62, 65, 68, 72 and 74, Ward further discloses the object and tool indicia are represented as a menu options on at least one screen to the user (FIG.6, the schedule button and Remove button are as a menu options).

Regarding Claims 57, 60, 63 and 66, Ward further discloses the object and tool indicia are represented on a request screen generated by the user input (FIG.6 is generated by user input).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al (US 2007/0186240) in view of Lemmons et al (US 6,442,775).

Regarding Claims 15 and 16, Ward discloses the EPG is a shell for access to additional applications by connecting to a server (Para111).

Ward fails to disclose the system is a server device and located at a headend.

In an analogous art, Lemmons discloses an EPG server system located at a headend (television distribution facility 16 - FIG. 1) for generating EPG display screens (Col 5 lines 34-36 & 47-50).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the system of Ward to include the system is a server device and located at a headend as taught by Lemmons for the added advantage of decreasing the processing load of the receiving device.

(10) Response to Argument

(a) Appellant argues that "software instructions" as in Ward reference to configure the program guide channel listing characteristics is not the same as the claimed interactive program guide (IPG) configuration data. Thus, Ward does not disclose, teach or suggest "memory for storing interactive program guide (IPG) configuration data that is used to determine an IPG channel listing characteristics as in Claim 1, and the rejection should be overturned.

The Examiner respectfully disagrees with Appellant's arguments. It is well known in the art that in order to configure and format the program guide to display different channel listing characteristics, the software instruction would inherently include configuration data to meet input request and accommodate these channel listing characteristics such as sorting out a channel listing characteristics based on a certain criteria such as Movies (FIG.8).

(b) Appellant further argues that Ward does not teach or suggest "logic configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG channel listing characteristics" and further extends the arguments that removing or changing programs on the record list changes the content rather than the look of the EPG/IPG (using the

language of the Office Action). Therefore, Ward et al. does not teach "logic configured to modify the IPG configuration data..." in Claim 1.

The Examiner also disagrees with Appellant's arguments. Ward teaches an EPG or IPG (FIG.1) with different control buttons on the navigation bar (20) as object indicia; when the Schedule button is selected, the IPG is configured to display a Watch/Record schedule program guide (FIG.6) with scheduled watch or record channel listing for a user which shows different channel listing characteristics from the one as in Guide mode (FIG.1; a predetermined number of 9 channels); therefore, this disclosure from Ward reads into the claimed features of logic configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG channel listing characteristics.

(c) Appellant also argues that Ward does not teach "...wherein the IPG channel listing characteristic is represented by an object indicia presented to the a user and an action for reconfiguring the IPG channel listing characteristic is represented by a tool indicia presented to the user such that a first user input of selecting the object indicia and the tool indicia modifies the IPG channel listing characteristic". The Appellant further argues that the Remove/Change buttons (FIG.6) appears on the navigation bar (18 on the top) corresponding to the claimed tool indicia only removing or changing the content of, rather than the look of the EPG/IPG or the channel listing characteristics.

The Examiner also disagrees with Appellant's arguments. Given a broadest and reasonable interpretation of the claim, the claimed channel listing characteristics is so broad that the Watch/Record Schedule Guide (FIG.6) appears different look from the Grid Guide (FIG.1) and changing a predetermined number of nine channels into another predetermined number of channels as in FIG.6 after pressing the Schedule button (object indicia as in FIG.1) and it is reasonable to interpret this disclosure as modifying the IPG channel listing characteristics. Ward further discloses a tool indicia such as Remove or Change buttons to modifying the channel listing characteristics by removing existing or adding new channels; Therefore, Ward does discloses, teach or suggests the claimed limitations of "...wherein the IPG channel listing

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characteristic is represented by an object indicia (FIG. 1, 20; a Schedule or Sort buttons) presented to the a user and an action for reconfiguring the IPG channel listing characteristic is represented by a tool indicia (FIG.6, 18, Remove or Change buttons) presented to the user such that a first user input of selecting the object indicia and the tool indicia modifies the IPG channel listing characteristic".

The arguments regarding independent Claims 16, 17, 26, 30, 39, 43 and 51 are the same arguments as in Claim 1, therefore, it is not responded.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Fred H. Peng

fhp

Conferees:

Vivek Srivastava

Chris Grant

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2426

/Christopher Grant/

Supervisory Patent Examiner, TC 2400